

Tuesday, August 18, 2015

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton and Chairperson Debbie Arnold

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON DEBBIE ARNOLD.

Cal Fire Chief Rob Lewin (documents); Sheriff Ian Parkinson; Mr. Ron Alsop – Office of Emergency Services Officer; and Mr. Nick Rizzo – Los Padres National Forest, District Ranger: present an update on the Cuesta fire.

Consent Agenda – Review and Approval:

1-18. This is the time set for consideration of the Consent Agenda.

Chairperson Arnold: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 18 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request to approve the FY 2015-16 agreement with the Food Bank Coalition of San Luis Obispo County in the amount of \$100,000 for the food distribution program from Fund Center 106 – Contributions to Other Agencies. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Airports Items:

2. Request to authorize the Airports Director to accept and sign a grant anticipated to be issued from by the Federal Aviation Administration in the amount of \$118,266 to conduct a Wildlife Hazard Assessment at the San Luis Obispo County Regional Airport and authorize a corresponding budget adjustment in the amount of \$130,450 in Fund Center 425 Airports. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

3. Request to approve an agreement with the Nipomo Chamber of Commerce allocating \$2,000 from District Four Community Project Funds – Fund Center #106 to be used for expenses associated with holding the annual October Festival on October 10th and 11th, 2015. District 4.

The Board approves as recommended by the County Administrative Officer.

4. Request to appoint Dawn M. Legg as the District 3 representative to the Citizens Transportation Advisory Committee. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

5. Request to approve: 1) a FY 2015-16 renewal Standard Agreement Performance Contract (Clerk's File) with the State Department of Health Care Services delegating to the County responsibility for establishing county-wide community mental health services related to the Mental Health Services Act, Projects for Assistance in Transition from Homelessness, and Community Mental Health Services Grant, and 2) a resolution approving the contract and granting delegation of authority to the Behavioral Health Administrator to sign the agreement and other associated documents, as requested by the Department of Health Care Services. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-207, adopted.

6. Request to approve: 1) a 15-month agreement with the California Department of Public Health to fund Ebola prevention and response activities (July 1, 2015 through September 30, 2016) in the amount not to exceed \$70,558; 2) amend the fixed asset list in Fund Center 160 - Public Health to replace respirator fit testing equipment; and 3) authorize a corresponding budget adjustment from unanticipated revenue. All Districts.

The Board approves as recommended by the County Administrative Officer.

7. Request to approve a FY 2015-16 renewal contract, with the option to renew for two additional years, with Community Action Partnership of San Luis Obispo (CAPSLO) in an amount not to exceed \$290,829, to provide mental health services to youth and adults. All Districts.

The Board approves as recommended by the County Administrative Officer.

8. Request to approve: (1) a one-year renewal agreement (Clerk's File) with the State Office of Traffic Safety (OTS) to fund the Injury Prevention Program for FY 2015-16 (October 1, 2015 through September 30, 2016) in the amount not to exceed \$207,735; (2) a one year extension for a Limited Term 1.0 FTE Health Education Specialist funded by the renewal agreement to September 30, 2016; and (3) authorize a corresponding budget adjustment in the amount of \$26,283 from unanticipated revenue for Fund Center 160 - Public Health. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

9. Submittal of a resolution approving the new classification and establishing the salary range of Locksmith I, II and amending the Position Allocation List for Fund Center 113 – General Services, by deleting 2.00 FTE Locksmith – Maintenance Worker positions and adding 2.00 FTE Locksmith I, II positions. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-208, adopted.

10. Submittal of a resolution approving the July 1, 2015 – June 30, 2017 Memorandum of Understanding between the County of San Luis Obispo and the District Attorney Investigators Association, Bargaining Unit 06. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-209, adopted.

11. Submittal of two resolutions approving the January 1, 2015 – December 31, 2016 Memorandum of Understanding between the County of San Luis Obispo and the Association of San Luis Obispo County

Deputy Sheriffs Sworn Law Enforcement Unit, Bargaining Unit 27 and Sworn Law Enforcement Supervisory Unit, Bargaining Unit 28. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-210 and 2015-211, adopted.

Consent Agenda - Planning & Building Items:

12. Request to approve a contract with John F. Richenbach Consulting for consultant services to prepare an Environmental Impact Report for the Los Osos Community Plan in the amount of \$346,204. District 2.

Mr. Eric Greening and Ms. Julie Tacker: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Probation Items:

13. Request to approve an employment agreement appointing Robert Reyes to serve as the County's Assistant Chief Probation Officer. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

14. Submittal of a resolution approving the new classification and establishing the salary range of the Wastewater Systems Worker series and amending the Position Allocation List (PAL) for Fund Center 405 - Public Works, by adding 3.00 Full Time Equivalent (FTE) Wastewater Systems Worker III and 1.00 FTE Wastewater Systems Worker IV, and deleting 4.00 FTE Wastewater Systems Worker, which was established as a place holder in the FY 2015-16 proposed budget. All Districts.

Ms. Julie Tacker: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-212, adopted.

15. Submittal of a resolution authorizing execution of notice of completion and acceptance for the Collection System Pump Stations Contract for the Los Osos Wastewater Project, Los Osos. District 2.

Ms. Julie Tacker: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-213, adopted.

16. Request approval of Parcel Map CO 04-0591, a proposed subdivision resulting in 2 lots by Robert K. and Madaleine J. Towery that has been received and has satisfied all the conditions of approval that were established at the public hearing on the tentative map, Mesa Road, Nipomo. District 4.

Mr. Doug Rion – County Surveyor: replaces Page 2 of 2 of the Vicinity Map to correct a typographical error.

This item is amended by replacing Page 2 of 2 of the Vicinity Map to correct a typographical error. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

17. Request to approve Amendment No. 4 to the Owner-Engineer Agreement with Carollo Engineers for professional engineering services during construction of the Los Osos Water Recycling Facility, in the amount of \$329,303. District 2.

Dr. C. Hite; Ms. Julie Tacker; and Ms. Linde Owen: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Sitting as Flood Control District:

- 18.** Request to appoint Dick McKinley and Christopher Alakel as the City of Paso Robles member and alternate member to the Paso Robles Groundwater Basin Advisory Committee. All Districts.

Ms. Courtney Howard – Department of Public Works: amends Attachment 2 by adding Page 1 of 2 was inadvertently omitted.

This item is amended by adding Page 1 of 2 to Attachment 2 that was inadvertently omitted. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Presentations:

- 19.** Submittal of a resolution designating Los Osos Valley Road bike lanes between Foothill Boulevard and South Bay Boulevard the “Red Davis Bikeway.” District 2.

Ms. Michelle Matson – Bicycle Advisory Committee: speaks.

Chairperson Arnold: opens the floor to public comment.

Mr. Kevin Drabinski - Senior Field Representative for Assemblyman Katcho Achadjian and Mr. Noah Smukler – Morro Bay Mayor Pro Tem: speak.

Mr. Red Davis: speaks.

RESOLUTION NO. 2015-214, a resolution designating Los Osos Valley Road bike lanes between Foothill Boulevard and South Bay Boulevard the “Red Davis Bikeway”, adopted.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

- 20.** Submittal of a resolution proclaiming August 2015 as "Child Support Awareness Month" in San Luis Obispo County. All Districts.

Ms. Cheryl Berry – Department of Child Support Services: amends the resolution, during Consent Agenda public comment period, to correct the pagination.

Ms. Julie Paik – Department of Child Support Services: speaks.

Chairperson Arnold: opens the floor to public comment without response.

RESOLUTION NO. 2015-215, a resolution proclaiming August 2015 “Child Support Awareness Month” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
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Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Public Comment Period:

21. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Mr. Ben DiFatta: comments on the complexity of the microphones and equipment in the chambers; concerns regarding drones; and a newspaper article regarding Supervisor Hill's re-election campaign.

Ms. Sandy Tannler; Ms. Jeannette Watson; Ms. Andrea Seastrand (Acorns); and Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB): address various comments and concerns regarding the recently approved oak tree planting for the Nipomo Willow Road Interchange Project.

Mr. Paul Viborg - Sand and Gravel Company: discusses new mandated requirements by the California Department of Fish and Wildlife and its impacts to his company.

Dr. C. Hite: expresses various concerning matters regarding the County of San Luis Obispo.

Ms. Thea Beddingfield - Concerned Citizens for Avila Beach: speaks to the Avila Beach General Plan and requests any proposed development in the area be tabled until the plan can be assimilated.

Mr. Eric Greening: thanks everyone assisting with the Cuesta fire and surrounding communities; requests a report back on the evacuations for non-mobile and housebound individuals; and comments on the environmental scoping for the relicensing of Diablo Canyon.

Ms. Sue Luft; Ms. Jan Seals; Ms. Laurie Gage; and Mr. Michael Baugh: request the Board agendize the Water Neutral New Development Agricultural Offset Program as soon as possible.

Mr. Gary Kirkland: comments on a recent Board discussion regarding landlords not accepting Section 8 housing.

Ms. Julie Tacker: addresses the comments by a speaker at the meeting last week; the potential use of desalination water from Diablo Canyon; and the status of Cambria's desalination project.

Mr. Greg Grewal: speaks to the California State Groundwater Elevation Monitoring System (CASGEM).

Ms. Cindy Steinbeck: discusses overdraft issues relating to the Paso Robles Groundwater Basin.

Mr. Ted Gilbert: addresses politics and voting procedure concerns.

A motion by Chairperson Arnold, to direct staff to come back to discuss the requirements by the California Department of Fish and Wildlife relating to sand pits and the impacts to the County's ability to continue with construction work, with Supervisor Frank R. Mecham, seconding the motion with the inclusion to additionally direct staff to return with possible remedies to assist with this on-going situation.

Chairperson Arnold: states she would like to bring this matter back to a date certain, with Mr. Mark Hutchinson – Department of Public Works stating they can return to the Board the first part of October.

The Board directs staff to come back to discuss the requirements by the California Department of Fish and Wildlife relating to sand pits; possible remedies to assist with this on-going situation; and the impacts to the County's ability to continue with construction work.

Motion by: Debbie Arnold

Second by: Lynn Compton

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Supervisor Compton: asks if there is anything that can be done regarding the previously approved Willow Road oak tree planting mitigation, with Mr. Dan Buckshi – County Administrative Officer, Ms. Rita Neal – County Counsel, and Mr. Wade Horton – Public Works Director responding and Supervisor Mecham suggesting the Department of Public Works address these concerns with Cal Trans.

Board Business - Public Works - Board Sitting as Flood Control District:

22. Discussion and approval of the Proposition 218 Funding Mechanism for the Paso Robles Basin. Districts 1 and 5.

Chairperson Arnold: opens the floor to public comment.

Ms. Ann Myhre (letter); Mr. Eric Greening; Ms. Jan Seals; Ms. Laurie Gage; Mr. Bob Brown; Ms. Sue Luft; Ms. Cindy Steinbeck; Mr. Michael Baugh; Ms. Patricia Wilmore; Mr. Greg Grewal; Mr. Mike Brown - Coalition of Labor, Agriculture, and Business (COLAB); and Mr. Gary Kirkland: speak.

Mr. Greg Ghironzi – NBS Consulting: responds to Chairperson Arnold’s questions.

Chairperson Arnold: outlines why she is opposed to combining any part of the creation of a Water District with the work that is done through Flood Control District and recommends language changes to staff recommendation Nos. 1 and 2.

On motion by Chairperson Debbie Arnold, seconded by Supervisor Lynn Compton, to accept staff recommendations with the changes to Recommendation No. 1 to read: "Reviews and approves the NBS report on the Proposition 218 funding mechanism for the creation of AB 2453 Water District." and Recommendation No. 2 to read: "Directs staff to return to the Board after Local Agency Formation Commission (LAFCO) proceedings as the Flood Control District with the final parcel tax funding formula for the creation of AB 2453 Water District.", is discussed.

Ms. Rita Neal - County Counsel: addresses legal concerns regarding the language changes stated in the motion, with Chairperson Arnold and Mr. Dan Buckshi – County Administrative Officer responding. Additionally, Ms. Erica Stuckey – Deputy County Counsel, provides clarification on staff’s proposed recommendations.

Chairperson Arnold: states if she can’t change the language to staff recommendations and if the vote for the County Flood Control District cannot be separated from the vote for AB 2453, then she cannot support this item today.

The motion maker and the second withdraw their motion on the floor.

Supervisor Compton: states she cannot support the motion unless the votes are decoupled.

The Board of Supervisors, acting as the San Luis Obispo County Flood Control and Water Conservation District: 1) reviews and approves the NBS report on the Proposition 218 funding mechanism for the Paso Robles Basin; 2) directs staff to return to the Board after Local Agency Formation Commission (LAFCO) proceedings as the Flood Control District with the final parcel tax funding formula in order to initiate the approval process for Sustainable Groundwater Management Act (SGMA) compliance; and 3) receives an update on the LAFCO proceedings.

Motion by: Frank R. Mecham
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)		x		
Compton, Lynn (Vice Chairperson)		x		
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Closed Session Items:

23. The Board announces they will be going into Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Two; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Two.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) ARB, Inc. v. County of San Luis Obispo; (4) County of San Luis Obispo v. San Luis Obispo Government Attorneys’ Union; (5) County of San Luis Obispo v. San Luis Obispo Deputy County Counsel Association; (6) County of San Luis Obispo County Deputy County Counsel’s Association, et al. v. County of San Luis Obispo, et al.; (7) Los Osos Community Services District v. Golden State Water Company, et al.;

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (8) San Luis Obispo Government Attorney’s Union (SLOGAU); (9) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (10) Deputy County Counsel’s Association (DCCA); (11) Sheriffs’ Management; (12) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (13) Deputy Sheriff’s Association (DSA); (14) District Attorney Investigators’ Association (DAIA); (15) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (16) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (17) Unrepresented Management and Confidential Employees; and (18) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

Chairperson Arnold: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, August 18, 2015, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: August 26, 2015